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10/612,970	07/07/2003	David W. Holmes	12177/69001	4732

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KENYON & KENYON
1 BROADWAY
NEW YORK, NY 10004

EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,970	HOLMES, DAVID W.	
	Examiner	Art Unit	
	Dai A Phuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-13, 16-32 and 36-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers (Pub. No: 2004/0254816).

Regarding claim 1, Myers discloses a method of remotely generating signals to access a network-based communication service from a mobile communication device (fig. 1C, [0102] and [0107]), comprising: generating a dialing request at a remote control device 101 or 102 based on user input ([0113]); and transmitting a dialing signal toward the mobile communication device 161 based on the dialing request, the dialing signal instructing the mobile communication device to access the network-based communication service (fig. 1C, [0114] to [0115]. Notice that, the communication device 161 serves as a remote user interface between server 103 and local processing devices 101 and 102 ([0107]). Hence, the local processing devices 101 and 102 access to server 103 by sending accessed information to remote user device 161. Then the remote user device 161 forwards the accessed information from local processing devices 101 and 102 to the server 103 ([0113])).

Regarding claim 2, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the dialing request is initiated by a user manipulation of an access button that is dedicated to network-based communication services 103 ([0114]).

Regarding claim 3, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the network-based communication service is a voice information service, the voice information service enabling a user to use information retrieval at a network server ([0113]).

Regarding claim 4, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the network-based communication service is a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server ([0114]).

Regarding claim 5, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the network-based communication service is an automated communication service that does not require voice commands ([0114])

Regarding claim 8, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the dialing signal includes a telephone number associated with the network-based communication service, the method further including retrieving the telephone number from a memory 158 of the remote control device 101 ([0092] and [0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

Regarding claim 9, Myers discloses all the limitation in claim 8. Further, Myers discloses the method further including storing the telephone number to the memory before generating the dialing request ([0092] and [0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option. However, the telephone number stores into a memory before generating the dialing request is well known in the art).

Regarding claim 10, Myers discloses all the limitation in claim 9. Further, Myers discloses the further including storing the telephone number to the memory based on input from a user of the mobile communication device ([0092] and [0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

Regarding claim 11, Myers discloses all the limitation in claim 9. Further, Myers discloses the method further including storing the telephone number to the memory based on input from a provider of the network-based communication service ([0092] and [0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

Regarding claim 12, Myers discloses all the limitation in claim 11. Further, Myers discloses the method wherein storage of the telephone number to the memory is initiated by the provider of the network-based communication service ([0092] and [0113]. Inherently, memory

158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

Regarding claim 13, Myers discloses all the limitation in claim 11. Further, Myers discloses the method wherein storage of the telephone number to the memory is initiated by a user of the remote control device ([0092] and [0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

Regarding claim 16, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the transmitting of the dialing signal occurs over a wireless connection with the mobile communication device ([0107]).

Regarding claim 17, Myers discloses all the limitation in claim 16. Further, Myers discloses the method of claim 16, wherein the wireless connection is a radio frequency (RF) connection ([0106], [0108] and [0109]).

Regarding claim 18, Myers discloses all the limitation in claim 17. Further, Myers discloses the method wherein the transmitting of the dialing signal occurs in accordance with a Bluetooth standard ([0103]).

Regarding claim 19, Myers discloses all the limitation in claim 16. Further, Myers discloses the method wherein the wireless connection is an infrared (IR) connection ([0103]).

Regarding claim 20, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the transmitting of the dialing signal occurs over a wired connection with the mobile communication device ([0095]).

Regarding claim 21, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the mobile communication device 161 is a personal digital assistant (PDA) configured for wireless communication ([0103] and [0110]).

Regarding claim 22, Myers discloses all the limitation in claim 1. Further, Myers discloses the method wherein the mobile communication device is a wireless phone ([0103] and [0110]).

Regarding claim 23, Myers discloses a method of remotely accessing a network-based communication service ([0102]) comprising: receiving a dialing signal at a mobile communication device 161 ([0107]), the dialing signal being based on user input to a remote control device 101 ([0113]); and accessing the network-based communication service in response to the dialing signal ([0114] to [0115]).

Regarding claim 24, Myers discloses all the limitation in claim 23. Further, Myers discloses the method wherein a dialing request is initiated by a user manipulation of an access button that is dedicated to network-based communication services, the dialing signal being based on the dialing request ([0114]).

Regarding claim 25, Myers discloses all the limitation in claim 23. Further, Myers discloses the method wherein the network-based communication service is a voice information

service, the voice information service enabling a user to use information retrieval at a network server ([0114]).

Regarding claim 26, Myers discloses all the limitation in claim 23. Further, Myers discloses the method wherein the network-based communication service is a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server ([0114]).

Regarding claim 27, Myers discloses all the limitation in claim 23. Further, Myers discloses the method wherein the network-based communication service is an automated communication service that does not require voice commands ([0114]).

Regarding claim 28, Myers discloses all the limitation in claim 23. Further, Myers discloses the method wherein the receiving of the dialing signal occurs over a wireless connection with the remote control device ([0107]).

Regarding claim 29, this claim is rejected the same reasons as set forth in claim 17.

Regarding claim 30, this claim is rejected the same reasons as set forth in claim 18.

Regarding claim 31, this claim is rejected the same reasons as set forth in claim 19.

Regarding claim 32, this claim is rejected the same reasons as set forth in claim 20

Regarding claim 36, Myers discloses a remote control device 101 ([0107]) comprising: a user interface 155 ([0092]); and a remote communication module coupled to the user interface, the remote communication module to transmit a dialing signal toward a mobile communication

device based on a dialing request from the user interface, the dialing signal to instruct the mobile communication device to access a network-based communication service ([0092] and [0107]. Inherently, the remote control device 101 consists of communication module to communicate with communication device 161).

Regarding claim 37, Myers discloses all the limitation in claim 36. Further, Myers discloses the remote control device wherein the user interface includes an access button that is dedicated to network-based communication services, user manipulation of the button to initiate the dialing request ([0092]).

Regarding claim 38, Myers discloses all the limitation in claim 37. Further, Myers discloses the remote control device wherein the user interface has no buttons other than the access button ([0092] and [0113]. Notice that, there is a touch-screen function).

Regarding claim 39, Myers discloses all the limitation in claim 36. Further, Myers discloses the remote control device wherein the network-based communication service is a voice information service, the voice information service to enable a user to use information retrieval at a network server ([0114]).

Regarding claim 40, Myers discloses all the limitation in claim 36. Further, Myers discloses the remote control device wherein the network-based communication service is a voice dialing service, the voice dialing service to enable a user to use number dialing at a network server ([0114]).

Regarding claim 41, Myers discloses all the limitation in claim 36. Further, Myers discloses the remote control device wherein the network-based communication service is an automated communication service that does not require voice commands ([0113]).

Regarding claim 42, Myers discloses all the limitation in claim 36. Further, Myers discloses the remote control device further including a memory, the memory to store a telephone number associated with the network-based communication service ([0092] and [0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

Regarding claim 43, Myers discloses all the limitation in claim 36. Further, Myers discloses the remote control device 101 wherein the remote communication module includes a Bluetooth module, the Bluetooth module to transmit the dialing signal according to a Bluetooth standard ([0091]).

Regarding claim 44, Myers discloses a mobile communication device 161 ([0107]) comprising: a phone communication module ([0109]), the phone communication module to receive a dialing signal that is based on user input to a remote control device ([0109]); and a wireless transceiver coupled to the phone communication module, the wireless transceiver to access a network-based communication service in response to the dialing signal ([0109]).

Regarding claim 45, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device 161 wherein a dialing request is initiated by a user

manipulation of an access button that is dedicated to network-based communication services, the dialing signal being based on the dialing request ([0107] and [0114]).

Regarding claim 46, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device further including a memory to store a telephone number associated with the network-based communication service, the wireless transceiver to use the telephone number to access the network-based communication service in response to the dialing signal ([0109]).

Regarding claim 47, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device wherein the network-based communication service is a voice information service, the voice information service to enable a user to use information retrieval at a network server ([0114]).

Regarding claim 48, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device wherein the network-based communication service is a voice dialing service, the voice dialing service to enable a user to use number dialing at a network server ([0114]).

Regarding claim 49, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device wherein the network-based communication service is an automated communication service that does not require voice commands ([0114]).

Regarding claim 50, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device wherein the mobile communication device is a personal digital assistant (PDA) configured for wireless communication ([0110]).

Regarding claim 51, Myers discloses all the limitation in claim 44. Further, Myers discloses the mobile communication device wherein the mobile communication device is a wireless phone ([0110]).

Regarding claim 52, Myers discloses a machine readable medium comprising a set of stored instructions capable of being executed by a processor to: generate a dialing request at a remote control device based on user input ([0092] and [0109]); and transmit a dialing signal toward a mobile communication device based on the request, the dialing signal to instruct the mobile communication device to access a network-based communication service ([0092] and [0109]).

Regarding claim 53, Myers discloses all the limitation in claim 52. Further, Myers discloses the machine readable medium wherein the dialing request is to be initiated by a user manipulation of an access button that is dedicated to network-based communication services ([0092] and [0109]).

Regarding claim 54, Myers disclose a machine readable medium comprising a set of stored instructions capable of being executed by a processor to: receive a dialing signal at a mobile communication device, the dialing signal to be based on a dialing request from a user interface of a remote control device ([0092] and [0109]); and access the network-based communication service in response to the dialing signal ([0092] and [0109]).

Regarding claim 55, Myers discloses all the limitation in claim 54. Further, Myers discloses the machine readable medium wherein the dialing request is to be initiated by a user

manipulation of an access button that is to be dedicated to network-based communication services ([0092] and [0109]).

Regarding claim 56, Myers discloses a method of providing a network-based communication service comprising: receiving a call from a mobile communication device 161 ([0107]), the call being initiated by user input to a remote control device 101 ([0113]); and generating the network-based communication service 103 during the call (fig. 1 and fig. 2, [0113]).

Regarding claim 57, Myers discloses all the limitation in claim 56. Further, Myers discloses the method wherein the dialing request is initiated by a user manipulation of an access button that is dedicated to network-based communication services ([0113]).

Regarding claim 58, Myers discloses all the limitation in claim 56. Further, Myers discloses the method further including generating a voice information service, the voice information service enabling a user to use information retrieval at a network server by speaking into the mobile communication device ([0113]).

Regarding claim 59, Myers discloses all the limitation in claim 56. Further, Myers discloses the method further including generating a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server by speaking into the mobile communication device ([0113]).

Regarding claim 60, Myers discloses all the limitation in claim 56. Further, Myers discloses the method further including generating an automated communication service in response to receiving the call ([0113]).

Regarding claim 61, Myers discloses all the limitation in claim 56. Further, Myers discloses the method wherein the network-based communication service is an automated communication service that does not require voice commands ([0114]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6-7 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers (Pub. No: 2004/0254816) in view of Cheung (Pub. No: 2004/0024647).

Regarding claim 6, Myers discloses all the limitation in claim 5. But, Myers does not disclose the method wherein accessing the automated communication service results in an automatic playing of a prerecorded message.

In the same field of endeavor, Cheung discloses the method wherein accessing the automated communication service results in an automatic playing of a prerecorded message ([0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote device of Myers by specifically including accessing the automated communication service results in an automatic playing of a prerecorded message,

as taught by Cheung, the motivation being in order to notify a customer of the occurrence of an event.

Regarding claim 7, Myers discloses all the limitation in claim 5. But, Myers does not disclose the method wherein accessing the automated communication service results in an automatic registering of a vote.

In the same field of endeavor, Cheung discloses the method wherein accessing the automated communication service results in an automatic registering of a vote ([0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote device of Myers by specifically including accessing the automated communication service results in an automatic registering of a vote, as taught by Cheung, the motivation being in order to notify a customer of the occurrence of an event.

Regarding claim 62, this claim is rejected for the same reasons as set forth in claim 6.

Regarding claim 63, this claim is rejected for the same reasons as set forth in claim 7.

5. Claims 14-15 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers (Pub. No: 2004/0254816) in view of Manssen (U.S. 5,878,209).

Regarding claim 14, Myers discloses all the limitation in claim 9. But, Myers does not disclose the method including storing the telephone number to the memory based on input from a manufacturer of the remote control device.

In the same field of endeavor, Manssen discloses the method including storing the telephone number to the memory based on input from a manufacturer of the remote control device (col. 3, lines34-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote device of Myers by specifically including storing the telephone number to the memory based on input from a manufacturer of the remote control device, as taught by Massen, the motivation being in order to detect a failure of the subscriber unit.

Regarding claim 15, Myers discloses all the limitation in claim 9. But, Myers does not disclose the method further including verifying authorization to write to the memory before storing the telephone number.

In the same field of endeavor, Manssen discloses the method further including verifying authorization to write to the memory before storing the telephone number (col. 3, lines 34-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote device of Myers by specifically including verifying authorization to write to the memory before storing the telephone number, as taught by Massen, the motivation being in order to detect a failure of the subscriber unit.

Regarding claim 33, Myers discloses a method of accessing a network-based communication service comprising: generating a dialing request based on user input to the remote control device 101 ([0113]), the dialing request being initiated by a user manipulation of an access button that is dedicated to network-based communication services 103 ([0113]);

transmitting a dialing signal toward a mobile communication device 161 based on the dialing request ([0107]), the dialing signal including the telephone number and instructing the mobile communication device to access the network-based communication service ([0113]); receiving the dialing signal at the mobile communication device ([0114]); and using the telephone number to remotely access the network-based communication service ([0113]. Inherently, memory 158 may be stored name, medical license number and social security number of physician of patient. Therefore, the telephone number stored in the memory 158 is designed option).

But, Myers does not disclose verifying authorization to write to a memory of a remote control device; storing a telephone number to the memory of the remote control device, the telephone number being associated with the network-based communication service.

However, Manssen disclose verifying authorization to write to a memory of a remote control device (col. 3, lines 34-49); storing a telephone number to the memory of the remote control device, the telephone number being associated with the network-based communication service (col. 3, lines 34-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote device of Myers by specifically including verifying authorization to write to a memory of a remote control device; storing a telephone number to the memory of the remote control device, the telephone number being associated with the network-based communication service, as taught by Massen, the motivation being in order to detect a failure of the subscriber unit.

Regarding claim 34, the combination of Myers and Manssen disclose all the limitation in claim 33. Further, Myers discloses the method wherein the network-based communication service is either a voice information service or a voice dialing service, the voice information service enabling a user to use information retrieval at a network server, the voice dialing service enabling the user to use number dialing at the network server ([0113]).

Regarding claim 35, the combination of Myers and Manssen disclose all the limitation in claim 33. Further, Myers discloses the method wherein the network-based communication is an automated communication service that does not require voice commands ([0114]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mc. Zeal, Jr. (U.S. 6763226) multifunctional world wide walkie talkie

Comstock et al. (Pub. No: 20020193038) crediting an account associated

King et al. (Pub. No: 20040067770) a touch screen user interface

Stanforth et al. (Pub. No: 20030040316) an ad hoc and peer to peer

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2685
Date: 05-26-2005

W. R. YOUNG
PRIMARY EXAMINER